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NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK and JOE DEELY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION dba AMTRAK, JOE DEELY  
and DOES 1-10 inclusive,  
Defendants.

Case No. C05-05434 MJJ

**DECLARATION OF LARRY FOLLIS  
IN SUPPORT OF DEFENDANT'S  
MOTION FOR SUMMARY  
JUDGMENT, OR IN THE  
ALTERNATIVE, PARTIAL  
SUMMARY JUDGMENT**

DATE: May 8, 2007  
TIME: 9:30 a.m.  
DEPT: 11

I, Larry Follis, declare:

1. I am currently employed by NATIONAL RAILROAD PASSENGER CORPORATION dba AMTRAK as Road Foreman in Bakersfield.

2. In about May of 2004, I served on an interview panel with Susan Venturelli and Chad Skinner in order to interview applicants for Passenger Engineer Trainee, located in Oakland.

3. The panel interviewed John Campbell, among others. During the interview, Mr. Campbell said that he operated certain railroad equipment when he worked at Southern Pacific Railroad as a Track Laborer. When I heard this, I grew concerned because I, too, had worked at Southern Pacific during the same period and I knew that Southern Pacific did not permit Track

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1 Laborers to operate the sort of equipment Mr. Campbell said he had. While I do not recall the  
2 specific sort of equipment Mr. Campbell said he operated at Southern Pacific, I recall very clearly  
3 my concern that if Mr. Campbell operated the equipment he said he had at Southern Pacific, he  
4 would have done so without official training or authority. I voiced my concern to the panel after  
5 Mr. Campbell's interview ended.

6 4. I did not recommend Mr. Campbell for consideration for the Engineer position, in  
7 part because of the statement he made at the interview that he had operated equipment at  
8 Southern Pacific that he was not authorized to operate under Southern Pacific's rules. I was  
9 particularly concerned that Mr. Campbell would not follow Amtrak's safety rules and procedures,  
10 if he was selected to serve as Engineer. In addition, I was concerned about Mr. Campbell's past  
11 safety record, which the panel was apprised of after Mr. Campbell's interview but before the  
12 panel made its recommendation to the Department. Notably, the panel recommended other  
13 applicants, none of whom had a record of any safety or rules violation.

14 5. The final hiring decision for Engineer is usually made by the Assistant  
15 Superintendent for the location in question. I know this because I have participated in other hires  
16 for Engineer. I have served on other interview panels and I have had discussions with the  
17 Assistant Superintendent about my recommendation, and the process has been the same.  
18 Although I do not specifically recall who was the Assistant Superintendent for the Pacific  
19 Division (Oakland) in mid-2004, I believe it was Patrick Presseur. In any event, the Assistant  
20 Superintendent made the hiring decision - not the Superintendent - to my knowledge.

21 Executed this 3rd day of April, 2007 in Merced, California. I declare under penalty of  
22 perjury under the laws of California and the United States of America that the foregoing is true  
23 and correct.

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26 LARRY FOLLIS  
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